

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA ) CRIMINAL NO. 04-10020-RWZ  
                                )  
                                )  
v.                            )  
                                )  
MICHAEL HOWARD            )  
                                )  
                                )

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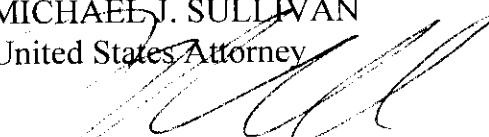
MOTION TO EXCLUDE TIME

In Orders dated March 3, 2004, April 21, 2004, September 8, 2004, and October 19, 2004, Magistrate Judge Dien excluded time under the Speedy Trial Act, from the date of the arraignment to November 17, 2004, the date on which motions were due. The government hereby requests that the Court exclude the time from November 17, 2004 through the trial date set by the Court at the Initial Pretrial Conference.

In support of this request, the government states that under 18 U.S.C. § 3161(h)(8)(A), the exclusion of this period would serve the ends of justice because allowing time for the defendant to review the discovery material and to assess the merits of his case, including whether any motions in limine ought to be filed, outweigh the defendant's and the public's interest in a speedy trial.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:   
JONATHAN F. MITCHELL  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Robert George, Esq.  
77 Newbury Street, 4<sup>TH</sup> Floor  
Boston, MA 02116

This 5<sup>th</sup> day of January, 2005.

JONATHAN F. MITCHELL  
ASSISTANT UNITED STATES ATTORNEY